IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 8071 OF 2005

Shekhar Kadam .. Applicant

versus

The State of Maharashtra .. Respondent

Mr.Kuldeep S. Patil for Applicant.
Mr.S.S.Pednekar, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 22nd December 2005.
P.C.

. Heard Mr. Patil appearing for the applicant and Mr. Pednekar appearing for the State.

2. Prima-facie, a dispute over immovable property has resulted in lodging of the subject C.R.. It is lodged after a period of four and half years after the transaction in question. It appears that there is dispute between Suresh and Ramesh Shroff, who were initially in business

together, and fell out subsequently. Accused No.1 Ramesh is the brother of the complainant and a flat in question has been sold by accused No.1 to one Mr.Panjabi, who has thereafter sold it somebody else. It is in the transaction between the accused No.1 and Mr.Panjabi that the so called bogus power of attorney has been utilised. The applicant is the employee of the accused No.1. Considering that his role is limited and it is the owner namely accused No.1, who has dealt with the property, the applicant deserves to be released in the event of his arrest in the subject C.R.. Accordingly, following order :

i) In the event of the arrest of the applicant in connection with C.R.No.529/2005 of Bandgardan Police Station, the applicant shall be enlarged on bail subject to furnishing P.R.Bond in the sum of Rs.15,000/- with one or two local sureties.

ii) The bail is granted subject to condition that the applicant will attend the concerned Police Station on every

Sunday between 02:00 p.m. to 04:00 p.m., till the charge-sheet is filed.

iii) The bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the Police Officer/ Investigating Agency. The applicant shall not tamper with the prosecution evidence.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

v) This order will enure to the benefit of the applicant only till charge sheet is filed. Thereafter he will be free to apply to the appropriate Court

for appropriate relief.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)